

Michael W. Sewright
BURR, PEASE & KURTZ
810 N Street
Anchorage, AK 99501-3293
Telephone: (907) 276-6100
Fax No.: (907) 258-2530
Attorneys for North Star

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA for the use of
NORTH STAR TERMINAL & STEVEDORE
COMPANY, d/b/a Northern Stevedoring &
Handling, and NORTH STAR TERMINAL &
STEVEDORE COMPANY, d/b/a Northern
Stevedoring & Handling, on its own behalf,

Plaintiffs,

and

UNITED STATES OF AMERICA for the use of
SHORESIDE PETROLEUM, INC., d/b/a Marathon
Fuel Services, and SHORESIDE PETROLEUM,
INC., d/b/a Marathon Fuel Services, on its own
behalf,

Intervening Plaintiffs,

and

METCO, INC.,

Intervening Plaintiff,

vs.

NUGGET CONSTRUCTION, INC.; SPENCER
ROCK PRODUCTS, INC.; UNITED STATES
FIDELITY AND GUARANTY COMPANY; and
ROBERT A. LAPORE,

Defendants.

Case No. 3:98-cv-009-HRH

**NORTH STAR'S
CROSS-MOTION FOR
SUMMARY JUDGMENT AND
THE INTRODUCTION OF
EXPERT WITNESS'S OPINION,
TESTIMONY AND REPORT, OR,
ALTERNATIVELY, FOR
DETERMINATIONS OF THE
LAW OF THE CASE ON THOSE
SUBJECTS**

**[Clerk's Docket Nos. 496, 497,
500 and 505]**

North Star's Cross-Motion for Summary Judgment and
the Introduction of Expert Witness's Opinion, Testimony
and Report, or, Alternatively, for Determinations of the
Law of the Case on Those Subjects

North Star Terminal & Stevedore Co., et al v. Nugget Construction et al
Case No. A98-009 CV
Page 1 of 2

45-40 / #83701

COMES NOW Plaintiff and Use Plaintiff North Star Terminal & Stevedore Company ("North Star") and cross-moves for summary judgment and for the introduction of Mr. Callow's opinion, testimony and report or, alternatively, for determinations of the law of the case on those subjects, as addressed in "North Star's Opposition in Response to USF&G's Motions Regarding Statute of Limitations, Bad Faith, Expert Witness, and Punitive Damages" being filed on even date herewith. This cross-motion relies upon and incorporates the aforesaid Opposition in its entirety.

Dated at Anchorage, Alaska, on May 19, 2006.

s/ Michael W. Sewright
Burr, Pease & Kurtz
810 N Street
Anchorage, Alaska 99501
Phone: (907) 276-6100
Fax: (907) 258-2530
E-mail: bpk@bpk.com
Alaska Bar No. 7510090

CERTIFICATE OF SERVICE

I certify that on the 19th day of May, 2006, a copy of the foregoing NORTH STAR's CROSS-MOTION FOR SUMMARY JUDGMENT AND THE INTRODUCTION OF EXPERT WITNESS'S OPINION, TESTIMONY AND REPORT, OR, ALTERNATIVELY, FOR DETERMINATIONS OF THE LAW OF THE CASE ON THOSE SUBJECTS was served electronically to:

Steven S. Shamburek, Esq.
Traeger Machetanz, Esq.
Paul D. Stockler
Herbert A. Viergutz
C. Patrick Stoll, Esq.

s/ Michael W. Sewright

North Star's Cross-Motion for Summary Judgment and the Introduction of Expert Witness's Opinion, Testimony and Report, or, Alternatively, for Determinations of the Law of the Case on Those Subjects

North Star Terminal & Stevedore Co., et al v. Nugget Construction et al
Case No. A98-009 CV
Page 2 of 2

45-40 / #83701